



TFW 3738

PATENT  
Attorney Docket No. 101.0078-00000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                              |   |                         |
|------------------------------|---|-------------------------|
| In re Application of:        | ) | Confirmation No.: 5619  |
| Gary K. Michelson, M.D.      | ) |                         |
| Serial No.: 09/593,591       | ) | Group Art Unit: 3738    |
| Filed: June 13, 2000         | ) | Examiner: Paul Prebilic |
| For: MANUFACTURED MAJOR LONG | ) |                         |
| BONE RING IMPLANT SHAPED     | ) |                         |
| TO CONFORM TO A PREPARED     | ) |                         |
| INTERVERTEBRAL               | ) |                         |
| IMPLANTATION SPACE           | ) |                         |

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: November 1, 2005

I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
2. Form PTO-1449
3. Two documents
4. Self-addressed return postcard receipt

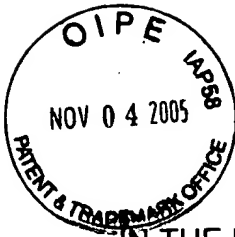
are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: November 1, 2005

  
Sandra L. Blackmon

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: 330-877-0700  
Facsimile: 330-877-2030



PATENT  
Attorney Docket No. 101.0078-00000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                              |   |                         |
|------------------------------|---|-------------------------|
| In re Application of:        | ) | Confirmation No.: 5619  |
| Gary K. Michelson, M.D.      | ) |                         |
| Serial No.: 09/593,591       | ) | Group Art Unit: 3738    |
| Filed: June 13, 2000         | ) | Examiner: Paul Prebilic |
| For: MANUFACTURED MAJOR LONG | ) |                         |
| BONE RING IMPLANT SHAPED     | ) |                         |
| TO CONFORM TO A PREPARED     | ) |                         |
| INTERVERTEBRAL               | ) |                         |
| IMPLANTATION SPACE           | ) |                         |

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the non-U.S. patent documents are enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: November 1, 2005

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

|   |  |   |
|---|--|---|
| Substitute for FORM PTO-1449                                    | Attorney Docket Number<br>101.0078-00000 | Customer No.<br>22882                             |
| <b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b>    | Applicant<br>Gary K. Michelson           | Application Number<br>09/593,591                  |
| (Use several sheets if necessary)<br>Sheet <u>1</u> of <u>1</u> | Filing Date<br>June 13, 2000             | Group Art Unit<br>3738<br>Examiner<br>P. Prebilib |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|---------------------|-----------------|------|------|-------|----------|-------------------------------|
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |
|                     |                 |      |      |       |          |                               |

## FOREIGN PATENT DOCUMENTS

|  | DOCUMENT NUMBER | DATE   | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>(YES/NO) |
|--|-----------------|--------|---------|-------|----------|-------------------------|
|  | WO 01/62166     | 8/2001 | WIPO    |       |          | N/A                     |
|  | WO 01/62191     | 8/2001 | WIPO    |       |          | N/A                     |
|  |                 |        |         |       |          |                         |
|  |                 |        |         |       |          |                         |
|  |                 |        |         |       |          |                         |
|  |                 |        |         |       |          |                         |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.